THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16699 of 1995

Dated: 14.07.2006

Between
Sri Basani Apparao

…..Petitioner

and

1.The Gudivada Cooperative
Urban Bank Limited, No.1482
Gudivada, rep., by its
Part-time Person-incharge-cum
Deputy Registrar of Cooperative
Societies, Gudivada and another.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16699 of 1995

ORDER:

This writ petition is filed by the petitioner seeking a Mandamus declaring the rejection of 1169 applications by the Resolution No.54 dated 31.5.1995 as arbitrary and illegal.

The main grievance of the petitioner is that though he made an application on 22.4.1995 along with requisite fee for admitting him as a member of the 1st respondent society, his application was rejected on 22.6.1995.

According to the petitioner, the application was submitted by him on 22.4.1995 and he became deemed member as no communication was received by him as to rejection of his application within 60 days as per Section 19 (3) of the Act.

A detailed counter affidavit has been filed by the first respondent *inter alia* asserting that the petitioner's application was rejected following the instructions of the District Cooperative Officer and as the applications were made in bulk, individual communications could not be sent in time. But, wherever it is felt that the applications, were genuinely made with a view to obtain loan, such applications were considered in order to secure the interest of the Bank in granting the loans. Therefore, it is not correct to state that this respondent admitted 210 members at the instance of the ruling party leaders on 1.7.1995 and 11.7.1995. The application of the petitioner was rejected on 31.5.1995 as they

were made in bulk. However, it was communicated only on 26.6.1995. Therefore, neither the provisions of Section 19 (3) nor Rule 14 of the Cooperative Society Rules are applicable.

Be that as it may. The very impugned order does not reveal as to whether the second respondent has exercised his mind in disposing of the individual applications. In fact, the counter itself shows that in view of the bulk number of applications, a routine order was issued like the impugned one.

In view of the above, the writ petition is allowed and the impugned order is set aside. The respondents are directed to reconsider the application filed by the petitioner on 22.4.1995 after putting him on notice and after hearing him personally, if necessary, and pass appropriate orders and communicate the same to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

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14.07.2006

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